THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18247 of 2006

Dated: 14-09-2006

Between:

B. Muni Lakshminarayana.

..... PETITIONER

AND

The Government of A.P., rep. by its Principal Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.18247 of 2006

ORDER:

The petitioner assails the Memo No.14868/TEx.2/2005-8 dated 25.08.2006 issued by the Government of Andhra Pradesh, respondent No.1, whereby and whereunder they vacated the stay orders issued in Memo No.14868/Tex.2/2005-1, dated 08.08.2005.

The brief facts of the matter are that the petitioner was elected as President of Radha Silk Weavers Cooperative Production and Sales Society Limited (hereinafter called, the primary society) in 2000 for a period of five years. By virtue of such position, he was also elected as Director of respondent No.4, namely, the Andhra Pradesh State Weavers Cooperative Society Limited (hereinafter called, APCO) as per its byelaws. The term of the petitioner as President of primary society came to an end on 20.06.2005. Therefore, APCO was of the opinion that the term of the Director of APCO also automatically ceased and that the necessary steps are to be taken to fill up the prescribed vacancy as per the byelaw No.16 (2) read with Rules 22 (A) (5) (b) of the Andhra Pradesh Cooperative Societies Rules, 1964 (the Rules, for brevity). At that stage the petitioner filed a representation purportedly a revision petition under Section 77 of the Andhra Pradesh Cooperative Societies Act, 1964 (the Act, for brevity) and the Government granted stay on 08.08.2005. Thereafter respondent No.2 sent a communication on 24.02.2006 directing the Vice Chairman and Managing Director of APCO to continue the petitioner in the office as Director till the expiry of the term of five years. However, by impugned memo, the interim order was vacated which is assailed in the writ petition. *Inter alia,* it is strenuously contended that by reason of the interim order dated 08.08.2005 and consequential order dated 24.02.2006 issued by respondent No.2, the petitioner continued to be the Director of APCO and therefore, the same position cannot be dislodged by respondent No.1 without giving notice. The learned Assistant Government Pleader for Industries opposed the writ petition.

There cannot be any doubt that but for the interim orders passed by the Government in memo dated 08.08.2005, the petitioner ought to have been ceased to be the Director of APCO with effect from 21.06.2005. By reason of said interim order the petitioner continued as Director till the impugned order was passed. Therefore, if stay order is vacated without notice, it would certainly result in civil consequences. On this limited ground alone the impugned order/memo dated

25.08.2006 is liable to be set aside and the same is accordingly set aside.

Accordingly the writ petition is allowed at the admission stage and the matter is remitted to respondent No.1 with a direction to dispose of the representations made by the petitioner and Sri B. Pardhasaradhi, after giving notice to them, within a period of two weeks from the date of receipt of a copy of this order. No costs.

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(**V.V.S.RAO, J**)

14th September, 2006

Note: Dispatch copy today.

B/o

ghn